

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Wataru Ikeda

Serial No.: 10/528,969

Filed: March 23, 2005

For: REPRODUCTION DEVICE, OPTICAL  
DISC, RECORDING MEDIUM,  
PROGRAM, REPRODUCTION  
METHOD (AS AMENDED)

Patent Examiner: Not yet assigned

Group Art Unit: Not yet assigned

July 14, 2005

Irvine, California 92614

PETITION TO MAKE SPECIALCommissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In accordance with MPEP Section 708.02(viii), applicant hereby requests that the above-identified application be made special, and a fee required in accordance with 37 C.F.R. Section 1.17(i) is submitted herewith.

It is believed that an attached Preliminary Amendment presents all claims directed to a single invention. If, however, it is determined that the claims are not directed to a single invention, applicant hereby agrees to elect without traverse as a prerequisite to the granting of special status.

An international search has been made in the Japanese Patent Office in International Application PCT/WO2004/030356 which is the foreign priority application of the present

application. Copies of the International Search Report and the cited Japanese unexamined Patent Application Publication No. 2002-247526 and Publication No. 2002-101390 are attached hereto.

The present invention can provide an expansion to the stored contents of an optical disc in synchronizing a playback of a digital stream recorded on the optical disc with another digital stream recorded on a recording medium other than the optical disc.

As can be appreciated, an issue can arise as to how the playback unit recognizes a digital stream recorded on a recording medium other than the optical disc. If a mechanism is designed for such recognition and incorporated into the playback unit, it may be difficult to maintain compatibility with their other playback units which access only optical discs.

Additionally, when a recording medium having a large capacity such as a hard disc, is used as a secondary recording medium, there is a further possibility that various types of data can be stored thereon. If a playback unit needs to recognize such various types of data and distinguish between them, the playback unit would need to have a complicated file access mechanism and would add costs to the playback unit.

The present invention as defined in our current claims includes a specifying unit operable when an optical disc is mounted on the playback apparatus to obtain medium information from the optical disc and to specify a package area in the secondary recording medium that corresponds to the obtained medium information. A first reading unit can read a first digital stream from the optical disc, whereas a second reading unit can read a second digital stream from the specified package area.

As a result of a reading by the first and second reading units, the playback unit is able to play back, in synchronization, the first digital stream recorded on the optical disc and a second digital stream recorded on the secondary recording medium, in the same manner as the playback

unit is capable of playing back data recorded on the optical disc. For this arrangement, it is possible to provide a playback unit which can realize synchronized playback while maintaining a compatibility with other playback units that only play back optical discs. Due to such compatibility, it is possible to simplify the technical development of the playback apparatus.

In addition, since there is no requirement for data to be installed from the optical disc to the secondary recording medium, the present invention can help prevent illegitimate duplication of data. Thus, it is possible to realize an expansion of the contents from the optical disc, while the copyrights on the optical disc can be protected.

In contrast, the cited reference 1 (the Japanese Unexamined Patent Application Publication No. 2002-247526) discloses a technique for playing back, in synchronization, a video stream recorded on an optical disc and an audio stream and a sub-image stream obtained from another recording medium and/or a network medium.

The technical feature of playing back a digital stream recorded on an optical disc with another digital stream recorded on another recording medium in synchronization is the characteristic in common between this cited reference 1 and our invention.

However, as for how to specify the digital stream recorded on the other recording medium to be played back in synchronization, the cited reference 1 merely discloses that the digital stream is obtained through an optical disc, a memory card, or a network. In other words, the cited reference 1 does not disclose an idea of providing a package area for each optical disc on the secondary recording medium. Thus, we believe that the novelty and inventiveness of our invention in providing the specifying unit is not negated by the cited reference 1.

The cited reference 2 (the Japanese Unexamined Patent Application Publication No. 2002-101390) discloses a technique for playing back a digital stream recorded on an optical disc with an advertisement image or a trailer image downloaded via a network.

The technical feature of playing back a digital stream recorded on an optical disc with another digital stream recorded on another recording medium is a characteristic in common between this cited reference 2 and our invention. As for how to specify the another digital stream, heading information recorded on the optical disc is read (cf. Paragraph 0025), and the digital stream is specified using the heading information indicating, for example, a distribution company or actors in the leading roles.

The cited reference 2 and our invention do not have in common the technical feature related to an idea of specifying another digital stream using some information recorded on the optical disc as a clue. The playback apparatus according to the cited reference 2, however, obtains said another digital stream via a network at the time of playback. There is no disclosure regarding a package area corresponding to the optical disc and being provided on the secondary recording medium in order to store said another digital stream. Further, there is no disclosure regarding a specifying unit for specifying a package area that corresponds to an optical disc when the optical disc is mounted.

Moreover, the cited reference 2 does not mention playing back another digital stream in synchronization. For these reasons, we believe that novelty and inventiveness of our invention in providing the specifying unit cannot be negated over the cited reference 2.

Since the novelty of Claim 67 cannot be negated over the cited references 1 and 2, the novelty and inventiveness of Claims 68 to 77, which are dependent on Claim 67, should be

allowed. In the same manner, the novelty of Claims 84 and 85, which claim a program and a method related to Claim 67, cannot be negated either.

Claim 78 is an independent claim with a technical feature of providing a package area corresponding to an optical disc on a secondary recording medium. The claim is characterized in that the package area to be specified exists on the recording medium. Since neither of the cited references 1 and 2 disclose the concept of the package area, Claim 78 and dependent Claims 79-84 are allowable.

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It is believed that all the requirements to have the present application made special have been complied with. If there are any questions or additional requirements, the undersigned attorney would appreciate a telephone conference.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 14, 2005.

By: Sharon Farnus

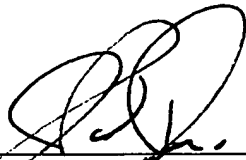
Sharon Farnus

Signature

Dated: July 14, 2005

Very truly yours,

**SNELL & WILMER L.L.P.**

  
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